

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 JAMES MORGAN,

8 Defendant.
9

Case No. 09-cr-00368-CW-1

ORDER TO SHOW CAUSE REGARDING
BRIEFING SCHEDULE DEADLINES

10 On July 27, 2018, Movant James Morgan filed a motion
11 pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his
12 sentence on the ground that his sentence has been rendered
13 invalid by the United States Supreme Court's holdings in Johnson
14 v. United States, 135 S. Ct. 2551 (2015), and Sessions v. Dimaya,
15 138 S. Ct. 1204 (2018). On September 4, 2018, the Court issued an
16 Order setting the following briefing schedule:

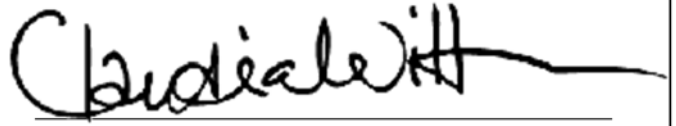
17 (1) within 75 days after the § 2255 motion was filed,
18 the government shall file an opposition conforming in
19 all respects to Rule 5 of the Rules Governing Section
20 2255 Proceedings, showing cause why the court should
not "vacate, set aside or correct the sentence" being
served by Movant; (2) Movant shall file a reply brief
45 days after the opposition is filed.

21 Docket No. 31. Accordingly, the government's opposition was due
22 by October 10, 2018. The government failed to meet this deadline
23 and has not filed any opposition or request for an extension to
24 file an opposition to date. The Court ORDERS (1) the government
25 to show cause for its failure to comply with the Court's
26 September 4, 2018, Order within fourteen days after the issuance
27 of this Order; (2) the government to file within fourteen days
28 after the issuance of this Order an opposition conforming in all

1 respects to Rule 5 of the Rules Governing Section 2255
2 Proceedings and that shows cause as to why the Court should not
3 "vacate, set aside or correct the sentence" being served by
4 Movant; and (3) Movant to file a reply brief within forty-five
5 days after the opposition is filed. Thereafter, the matter will
6 be deemed submitted on the papers.

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8 IT IS SO ORDERED.

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10 Dated: December 7, 2018


11 CLAUDIA WILKEN
12 United States District Judge
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